

Municipal Corporations
& Elections Committee

RECORD OF COMMITTEE MEETINGS

Date..... January 31....., 19..78

Members Present... AM - all present except Hunter... AM - all present.....
..... PM - all present except Nawrath & Hunter.....

Persons heard..... Mary Miller, Dan DeBonis, Joe Caracciola, Lew Kedroff, Al Boright,.....

BILL, Etc., Considered.... H-350, H-671, S-111, Election Bill, H-496.....

OTHER BUSINESS CONSIDERED... The committee met briefly at 9:15 a.m. with Mary Miller in regards to H-350, the "right-to-know" law... She presented the committee with part of a state survey on town clerk's attitudes towards what is public and what is not... She considers the exclusion of the school districts unwise... A bar survey is also being conducted; attorneys are concerned over the variances in costs... Dan Debonis appeared to discuss H-671, which he still would like to have voted out of committee... He would prefer not to have a referendum, but will compromise... The school board has turned their operating deficit over to the town of Poultney so he doesn't feel he has too much choice... If this debt were covered within the one-year period prescribed by present law, the tax rate would increase about \$1.30, whereas if it could be spread over several years the increase would be minimal... Recessed at 10:00 a.m. for session, and reconvened at 11:00 a.m... A strike-all redraft of S-111 was presented to the committee by Mrs. Wakefield... Mr. Powell moved, seconded by Mr. Koch, that the bill be reported favorably, as amended by draft #3... This was voted affirmatively... #3, and Mr. Koch will report the bill... Joe Caracciola testified on behalf of H-496... A question regarding zoning boards has arisen; is a majority of the board or a majority of the quorum of the board necessary for voting... It is being interpreted both ways... This bill would clarify the law for these boards... Tom thinks the courts would interpret the present law the way that Joe wants to amend it to, but agrees it should be corrected because it is clumsily written... The committee recessed for lunch, and reconvened at 2:00 p.m... Lew Kedroff spoke briefly in regards to H-350 which he would like to see approved... Al Boright of the Legislative Council will be working with both our committee and the senate committee on the election reform bill... He raised several questions in the present working draft: should "of the peace" be

added to "justices" so that they won't be confused with regular judges; should a person moving out of the state and then returning be required to take the Freeman's Oath again; should bill require that ALL checklists be updated, and not just the one hanging in the town clerk's office; in regards to bribery of public servants, does the fact that consideration was given prove that a certain action was taken in return; "No public servant shall accept bribe from a private person" - should the word "private" even be in this sentence; the section saying that no public servant shall take any action that will directly affect their own situation bothers him, and he will discuss this with Mr. Koch. Mary Miller asked if she could make some observations in regards to the election bill: she is concerned as to who has the authority to destroy election records (town clerks do now, after the retention period). Campaign reports/would be easier to get this bill passed if this wording is not altered drastically. (Mr. Koch feels strongly that there should be a separate checking account for campaign expenditures, but doesn't believe the majority of the committee and the legislators feel this way). She questioned why the \$25 contribution was raised to \$50, and Helen said she believed it was because of inflation. She mentioned a relative's or spouse's contribution to a campaign, and feels it should be exempt. Law should specify that bribe cannot be given to family of candidate. She also presented a working draft of a bill to publicly finance the governor's campaigns. All Boright then continued with his testimony. Mr. Koch informed him that voters do have to take the Freeman's Oath again, and that all checklists should be updated. "Private person" is not defined in the bill, and he wondered if it will be all right to accept a bribe from a public servant? This should be reworded so as to not preclude our receiving our salaries from the state treasurer, for example. Mr. Koch stated that the election of a state representative is not a local election, and this wording will be added to the draft. He believes that the certified letter, sent to a voter, saying that his name is about to be stricken from the check list, should request the address the card was delivered to, which would then be returned to the clerk's office. At that time it would be known where the person was then residing. The draft will be clarified to allow candidates to leave literature on or in a door, for instance, but not so that it will be "displayed to the public". Each candidate's report shall cover all contributions and expenditures from the end of the period covered by the last report through the 5th day prior to the date the current report is due. Family contributions will be limited to a total amount, and would include the father and mother of the candidate and spouse, the spouse, and their own children. This limit will be \$5,000 each, or a total of \$25,000. Adjourned at 4:30 p.m.

Submitted by -

Gen. M. Thorne

Clerk

Municipal Corporations &
Elections Committee

RECORD OF COMMITTEE MEETINGS

Date.....February 22....., 19 78..

Members Present all present AM except Eva; all present PM except none;

Public hearing PM all present except Lunderville ON TAPE

Persons heard AM - Paul Giuliani; Bob Stewart; public hearing - Noble Smith,

Rita Shugg, Alexander Pearl, Tom Belville, Edward Finn, Peter

Galbraith, Warren Pearl

BILL, Etc., Considered

H-567, H-350, H-730,

OTHER BUSINESS CONSIDERED Committee met at 9:00 a.m. and Mr. Hunter explained

the changes for H-567, which will be a strike-all amendment.....(see back of "Record
of Action on Bill") Mr. Nawrath moved to report the bill favorably, as amended,

which was seconded by Lunderville. The motion was approved, 10-0. Mr. Hunter will

report the bill. In regards to H-350, Mr. Nawrath explained another strike-all

amendment. It was suggested to not include schools that are publicly designated

as private. Paul Giuliani spoke for the Vermont Assn. of Town Clerks and Treasurers

and voiced opposition to the concept of the bill. He feels it would cause some

hardships to the smaller towns. Bob Stewart also opposed the bill, for the V.L.C.T.

The committee recessed to attend session. Notes taken by Mrs. White, in the

absence of Eva Morse. The committee met again at 1:30 p.m. Mr. Hunter moved that

the strike-all version of H-350 as presented by Mr. Nawrath this morning be used

to amend the bill (see back of "Record of Action on Bill") which was seconded by Mr.

Koch. The question of private schools (Thetford Academy, B.F.A., and Lyndon

Institute) was debated. Mr. Montcalm moved to table H-350 until 9:00 a.m. tomorrow

morning, which was seconded by Mrs. White. This motion was approved by all except

Hunter and Nawrath. Consideration continued of H-730. Mr. Koch said the bill

should be reported out of committee by tomorrow afternoon if it is going to go

anywhere at all this session. Committee recessed at 2:30 p.m. to attend session.

At 7:30 p.m. a public hearing was held in Room 9 on H-730, the Election Bill. This

meeting was taped by the legislative council. Testifying were Rep. Noble Smith,

Rita Shugg, Alexander Pearl, Tom Belville, Edward Finn, Peter Galbraith, and

Warren Pearl.

Submitted by -

Eva M. Morse

Clerk

Municipal Corporations
& Elections Committee

RECORD OF COMMITTEE MEETINGS

Date April 13, 19 77

Members Present All present

Persons heard Lew Kedroff, Mary Miller

BILL, Etc., Considered H-350

OTHER BUSINESS CONSIDERED The committee met on April 13 at 1:30 p.m. Rep.
Lew Kedroff appeared on behalf of H-350, "access to public documents". The original
law was aimed at the highway department, but did not go so far as to include local
governments. This bill WOULD include them. The bill would also specify which
documents are public and which are not. School districts would still be exempted.
Rep. Allard asked if he would support including the school districts, and Mr. Kedroff
assured him that he would. Mary Miller, lobbyist for Common Cause, then spoke in
favor of the bill, and supported the inclusion of the school districts. Lewis Peck
in the attorney general's office has said to her that local levels require a need
be established for records. She gave several examples of difficulties incurred by
Vermonters attempting to obtain access to certain documents. Mr. Hunter moved that
the bill be reworded so that school districts will be included, and this was
agreeable to the committee. Meeting was adjourned at 2:30, as the house was due to
go back into session.

Submitted by -

C. D. M. M.

Clerk

Municipal Corporations
& Elections Committee

RECORD OF COMMITTEE MEETINGS

Date April 14, 19 77

Members Present All present at start of meeting.

Persons heard Whitey Bluestein, Atty. John Patterson, Richard Bower, Atty. Matt Birmingham, Rep. Murphy, Sen. Partridge, Sen. Hewitt, Jim Guest

BILL, Etc., Considered H-350, H-51, S-152, S-32

OTHER BUSINESS CONSIDERED The committee met at 1:30 p.m. on April 14, 1977.
Whitey Bluestein appeared briefly to state the support of VPIRG for H-350, the
access to public documents bill. He believes that citizens should have the same
access to local records as they do to state records. Atty. John Patterson spoke
in regards to H-51, on behalf of the Vermont Municipal Electric Association. The
bill would allow these companies to place a lien on real estate for unpaid electric
bills in the same way that water companies and sewer services now do. Second
homes that are rented for the winter are a very serious problem. Unpaid bills in
the amount of four or five hundred dollars are not uncommon at the end of the
winter when the tenants leave, and there is presently not much chance of ever
collecting. He thinks that the landlords should require deposits from their
tenants to cover these situations. Richard Bower also spoke on H-51, saying that
there is no recourse against the landlord for a bill incurred by his tenant. The
Central Vermont utility does not wish to be included right now. They require, of
an apartment in Bennington, year-round, a deposit of \$50.00. If the bill is kept
current for one year, the deposit is refunded with 6% interest. Second homes or
homes heated by electricity can be asked for 2/12 of the annual bill for a deposit
but it was generally agreed that this would not go very far towards paying even
one month's bill in the wintertime. Atty. Matt Birmingham spoke for the Ludlow
Electric Light Company, saying that the collection of bills is a problem for the
small municipalities. His company is very anxious for this bill, as it would be
an aid for collection of bills involving vacation homes or rental units. The
electric company provides services just the same as a water company and should be
allowed the same privileges for collection processes. If the landlord does not

(continued)

insure payment of the bill through the rent he charges then his property should be holden for the charges. A lien on the property would then be satisfied at the time of sale of the property. He would like the lien to be underlying to the mortgage lien, so that, like property taxes, the liens could not be foreclosed. Rep. John Murphy, sponsor of H-51, stated that water and sewer bills are sent out in advance of the services being provided, whereas electric bills come after the services have been provided. He suggested that the electric companies be allowed to send bills in advance, but the committee agreed that this would probably not be allowed by the PSB. Sen. Partridge spoke on S-152, which would prevent cross-filing in a primary election. Vermont has open primaries and Vermonters are beginning to overlook the fact that it is a primary and not a general election. The primary is a party function and should be conducted as such. Sen. Hewitt then spoke in regards to S-32, which deals with the counting of absentee ballots. The problem with the present law is that it states ballots cannot be counted until the polls are closed, and many towns are breaking this law to save time and money. He would like to see the ballot counters allowed to tally the absentee ballots prior to the closing of the polls, with the stipulation that the results be held in strict confidentiality until such time as the polls are officially closed and the rest of the ballots tallied. Secretary of state Jim Guest supports S-152, which would not allow cross-filing in the primary. He said that primaries should be Pure Party. The committee adjourned at 4:00 p.m.

Submitted by -

E. H. Jones

Town Clerk